



November 15, 2024

Abid Jan
Technical Advisor
Nunavut Water Board

Re: NWB Technical Review of 2023 Annual Report for the Meadowbank Gold Mine Project, Licence No: 2AM-MEA1530; and Whale Tale Pit Project, Licence No: 2AM-WTP1830 – Agnico Eagle Mines Limited

Dear M. Jan,

The following information are intended to address regulator's comments regarding the Meadowbank (2AM-MEA1530) and Whale Tail (2AM-WTP1830) 2023 Annual Report:

- Fisheries and Oceans Canada – June 25, 2024: Comment Request for Agnico Eagle Mines Limited's Meadowbank Gold Mine and Whale Tail Pit Projects (Meadowbank Complex) 2023 Annual Monitoring Report.
- Crown-Indigenous Relations and Northern Affairs Canada – June 3, 2024: Review of the 2023 Annual Report for Meadowbank and Whale Tail Gold Mine Projects, Type A Water Licence Nos. 2AM-MEA1530 and 2AM-WTP1830.
- Kivalliq Inuit Association – June 25, 2024: Review of Agnico Eagle Mines Limited's Meadowbank Complex 2023 Annual Report; NWB Water Licences 2AM-MEA1530 & 2AM-WTP1830.

Should you have any questions or require further information, please do not hesitate to contact us at the below.

Regards,

Agnico Eagle Mines Limited – Meadowbank Complex

A handwritten signature in blue ink, appearing to read "EH", with a horizontal line underneath.

Eric Haley
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Environment & Critical Infrastructures Superintendent

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1 Nunavut Water Board (NWB)

1.1 Management Plans

Comment: The Board suggests that the Licensee submit separately, for review and/or approval, the management plans that have significant updates. For the plans that do not have any significant updates or revisions, can be submitted with the next Annual Reports. All plans submitted for review will include a version control section, clearly stating the nature of changes in the plan, and identification within the document highlighting where changes have been made.

Agnico Eagle's Response: *Agnico Eagle will continue to submit Management Plans that have significant updates separately to the NWB for approval as indicated under Part B Section 13 of the 2AM-MEA1530 and 2AM-WTP1830 Water Licences. For example, the Whale Tail Water Management Plan, Version 13.1 and Waste Rock Management Plan, Version 13 were submitted alongside the 2024 Modification in July 2024 and subsequently approved by the NWB.*

Plans with minor revisions as required by changes in operations and/or technology will continue to be submitted alongside the Annual Report as indicated under Part B Section 16 of the 2AM-MEA1530 Water Licence and Part B, Section 17 of the 2AM-WTP1830 Water Licence. Agnico Eagle will ensure that the document control section is thoroughly updated for each submitted Plan.

2 Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

2.1 Closure Planning [with Appendix A]

Comment: Section 9 of the 2022 Annual Report provides high-level discussion of the closure planning and implementation process. For example, the section describes the state of the closure planning process, ongoing studies, information gaps and progressive reclamation. While CIRNAC appreciates receiving these descriptions, the Department has a wide range of questions and comments regarding the closure planning process for the Meadowbank and Whale Tail sites. As summarized in Appendix A, many of these questions and comments have been submitted in prior annual report reviews conducted by CIRNAC.

While these questions and comments could be deferred until the submission of formal closure planning documents (e.g., periodic updated ICRPs and security estimates), CIRNAC is of the view that a more active dialogue on closure planning is justified. This is particularly important for the Meadowbank and Whale Tail Projects, given that they are currently scheduled to begin active closure in less than three years (i.e., by 2026). Taking into consideration the relatively limited time remaining before the implementation of closure, additional and regular dialogue between Agnico Eagle, regulators, and interested parties would

be beneficial. This would help to facilitate reaching timely and technically sound closure and reclamation decisions, as well as approval and implementation of an appropriate site closure strategy.

Recommendation 1: CIRNAC recommends that Agnico Eagle convene a workshop with regulators and interested parties within the next 90 days to discuss and work toward resolution on the Ongoing Closure and Reclamation Comments requested by Regulators and as detailed in Annex A. CIRNAC also recommends that this workshop be convened on an annual basis going forward. These meetings would support the closure planning status for the Meadowbank and Whale Tail Mines in a proactive and transparent manner.

The overall goal of the workshops would be to;

- a) ensure that all organizations (including Agnico Eagle) are fully informed of closure requirements,
- b) To assess the adequacy of any progressive reclamation activities undertaken by Agnico Eagle, and
- c) to proactively identify key issues to be resolved on a priority basis to reduce the level of uncertainty related to closure activities and long term monitoring following closure.

Agnico Eagle's Response: *Agnico Eagle acknowledges that active dialogue on closure planning is justified between the involved organizations and regulators. Agnico Eagle intends to continue providing updates on progressive closure work, closure planning, and closure engineering concepts, for both Meadowbank and Whale Tail sites, through the Annual Report and the next version of the Closure and Reclamation Plan.*

The next version of the Closure and Reclamation Plan is planned to be submitted in 2025 and will include details on the closure activities, progressive closure completed and planned for the remaining part of operations, as well as monitoring plan framework for closure and post-closure. The closure and reclamation comments presented in Appendix A will be addressed in this next version of the Closure and Reclamation Plan.

Agnico Eagle intends to present to CIRNAC a preliminary version of this Closure and Reclamation Plan before the end of 2024.

A preliminary schedule of workshops with regulators and interested parties could also be discussed during the presentation of the next version of the Closure and Reclamation Plan, for the remaining part of operation until the submission of the Final Closure and Reclamation Plan. It should be noted that the end of mine life is planned for 2028 as per the most recent modification submitted under the Whale Tail Water License 2AM-WTP1830. As per the Water Licenses (2AM-MEA1530 and 2AM-

WTP1830), the Licensee shall submit the Final Closure and Reclamation Plan to the Board for approval at least twelve (12) months prior to the expected end of planned mining.

2.2 Reclamation Security Update

Comment: Based on the recent need for inflationary adjustments to the 2023 update of the Doris Hope Bay Mine security estimate; CIRNAC anticipates that similar adjustments will need to be made for the Meadowbank and Whale Tail Projects. Furthermore, as indicated in Annex A, a high Level of uncertainty currently exists in relation to unresolved and unaddressed closure issues for the Meadowbank and Whale Tail Projects by the proponent.

As a consequence, there is a potential that the scope of remediation requirements for the sites will increase beyond the limits established within the existing security estimates.

CIRNAC has previously submitted recommendations to the proponent during its Annual Report Reviews that remain un-actioned or unanswered and is therefore concerned that the closure security costs for the Meadowbank and Whale Tail Projects have the potential to be significantly underfunded.

This represents a potential financial risk to the Crown that should be addressed on a priority basis. Notably, the following clause from the Meadowbank and Whale Tail Water Licences provides the NWB with the authority to initiate the amendment of security estimates on an as-needed basis:

If the Board determines it to be necessary, or upon the request by Licensee, the Minister and/or the Kivalliq Inuit Association, the Board may issue further directions under this Part with respect to the process for amending the amount of security to be furnished and maintained under the Licence.

(Part C, Item 10 of 2AM-MEA1530 and 2AM-WTP1830)

Consistent with this authority, CIRNAC is of the opinion that AEM should immediately work toward providing answers to the questions contained in Annex A and provide their findings at the workshop referenced in Recommendation #01. Alternatively, AEM should proactively initiate an update of the security estimates for the Meadowbank and Whale Tail Projects. This enables all parties to confirm that adequate reclamation security has been posted and is up to date.

Recommendation 2: CIRNAC recommends, in accordance with both of the Type A Licenses, Part C Item 10, that AEM proactively initiate an update of the security estimates for the Meadowbank and Whale Tail Projects. The update should address: a) inflationary increases since the last security estimates; and b) all potential changes to the scope of the required closure works.

The security estimate updates should be submitted to the NWB for review no later than 90 days from submission of this review.

Agnico Eagle's Response: *The next version of the Closure and Reclamation Plan for the Meadowbank Complex (including Meadowbank and Whale Tail sites) planned to be submitted in 2025, will include details on the closure activities as well as an update of the security estimate reflecting the completed progressive closure and the planned closure activities. The security estimate will be calculated using RECLAIM 7.0 workbook, as per the Guidelines for Closure and Reclamation Cost Estimates for Mines, issued by Indigenous and Northern Affairs Canada, Mackenzie Valley Land and Water Board and the Government of the Northwest Territories (INAC, MVLWB, GNWT, 2017).*

Agnico Eagle intends to present to CIRNAC a preliminary version of this Closure and Reclamation Plan including the updated security estimate before the end of 2024.

2.3 Water Quality Prediction Methods

Comment: CIRNAC's review of the 2022 Annual Report contained comment #8 (R-08), which provided a number of recommendations related to the water quality predictions for the Meadowbank and Whale Tail projects. The specific request was as follows:

"CIRNAC recommends that Agnico Eagle revisit the water quality modelling assumptions and approaches used for both Meadowbank and Whale Tail within the next 120 days to ensure all future project decisions (particularly closure) are informed by sufficiently accurate predictions. At a minimum, factors to consider when revisiting the assumptions and approaches include the following:

- a) using monthly (or smaller) time steps for all model inputs instead of the current one-year time step;*
- b) performing hydrodynamic modelling of receivers instead of assuming fully mixed conditions;*
- c) performing sensitivity analyses to accurately capture the range of uncertainty associated with water quality predictions;*
- d) expanding efforts to characterize loadings from pit walls."*

CIRNAC reviewed AEM's response to the above-noted recommendations as well as the updated water quality predictions for the Meadowbank and Whale Tail sites, as presented in Appendices 13 and 14 of the 2023 Annual Report. Based on that review, CIRNAC concludes that the status of the recommendations are as follows:

a) Unresolved – Based on its review of the updated water quality predictions, CIRNAC understands that this recommendation has not yet been acted on.

b) Unresolved – The updated water quality predictions do not include hydrodynamic modelling of water quality concentrations. The updated water quality prediction reports include statements such as: “The present mass balance model cannot simulate the treated effluent plume discharged in Kangislulik Lake or Whale Tail South Lake. A hydrodynamic model is required to simulate the discharge of treated effluent in these lakes, which is beyond the scope of this study.”

c) Partially resolved – The updated water quality predictions include sensitivity analyses to address the implications of dry years. However, the predictions do not address the uncertainty within a broad range of other model inputs (e.g., contaminant source terms).

d) Partially resolved – The updated water quality predictions have incorporated recent monitoring data from pit sumps. However, there continues to be uncertainty regarding loadings from pit wall seeps.

The following recommendation reiterates CIRNAC’s request to address the unresolved and partially resolved items noted above. For additional details on the rationale for the request, please refer to CIRNAC Comment #8 (R-08) on the 2022 Annual Report.

Recommendation 2: CIRNAC recommends that AEM revisit the water quality modelling assumptions and approaches used for both Meadowbank and Whale Tail within the next 120 days to ensure that all future project decisions (particularly closure) are informed by sufficiently accurate predictions. At a minimum, factors to consider when revisiting the assumptions and approaches include the following:

a) using monthly (or smaller) time steps for all model inputs instead of the current one-year time step;

b) performing hydrodynamic modelling of receivers instead of assuming fully mixed conditions;

c) performing sensitivity analyses to accurately capture the range of uncertainty associated with water quality predictions; and

d) expanding efforts to characterize loadings from pit walls.

Agnico Eagle’s Response: *Agnico Eagle appreciates CIRNAC’s recommendations regarding the water quality modelling approach and assumptions for Meadowbank and Whale Tail. As closure approaches, new mandates to further refine our water quality forecasting have been initiated. These new models integrate recommendations a), c), and d) (monthly time steps for all model inputs, sensitivity analyses, and characterizing pit wall loadings), and will be gradually included in the 2024*

and 2025 Annual Report. Agnico Eagle would like to note the current water quality model does account for pit wall loadings within the source terms and work is ongoing since 2022 to collect additional in-situ water quality data from the walls at Whale Tail Pit and IVR Pit to integrate in the water quality modelling.

As for recommendation b) (hydrodynamic modelling of receivers), based on the CREMP program results at the Whale Tail Mine, samples taken near the discharge points in Kangislulik Lake and Whale Tail South Lake match the FEIS concentrations predictions for phosphorus and arsenic and in some cases are lower. At this point there is no evidence to suggest a need for this level of modelling. This will be reviewed annually and evaluated if deemed necessary based on monitoring results.

2.4 Updated Management Plans - Report Improvements

Comment: CIRNAC has carried out a high-level review of these plans as submitted in Section 10 of the 2023 Annual Report. Based on this review, it is CIRNAC's opinion that the plans generally appear to be appropriate for the nature and scale of the operations within the context of the local and regional setting and the stage of the mine life cycle operation of each of the respective operations.

However, CIRNAC notes that the document control descriptions of revisions range from non-existent or inadequate to excellent, providing either no meaningful guidance for reviewing changes, or allowing for the effective understanding of revisions that have been made.

It is CIRNAC's opinion that the plans listed below fall short of the NWB requirements for document control revision updates.

Revised Management Plans Applicable to Meadowbank and Whale Tail

- Emergency Response Plan, V18 (Appendix 46) - the document has no cover sheet and has no formal "Issued Date". It has a "printed date of 30-08-2023," but as noted in the document, "it is an uncontrolled document if printed". There is no document control section or version history.
- Blast Monitoring Program, V9-Rev1 (Appendix 33) dated March 2024 - the document control states "all sections," update to lake names and monitoring stations.

Revised Management Plans Applicable to Meadowbank Operations

- Dewatering Dikes Operation, Maintenance and Surveillance Manual, V11 (Appendix 28) dated January 2024 – the document control states "All – Annual Update".

- Tailings Storage Facility OMS, March 2023 V14 (Appendix 29) dated January 2024 - the document control states “All – Annual Update”.

Revised Management Plans Applicable to Whale Tail Operations

- Whale Tail Water Management Infrastructure Operation, Maintenance and Surveillance Manual, V4 (Appendix 30) dated January 2024 - the document control states “All – Annual Update”.
- Whale Tail Water Management Plan, V12 (Appendix 14) dated March 2024 – the document control indicates that all pages were updated to reflect current operations/water management and to comply with commitments and requests.

2024 Modification Request for 2AM-WTP1830

On May 06, 2024, NWB received a modification request from Agnico Eagle regarding the updated plans:

- Water Management Plan Version 13
- Waste Rock Management Plan Version 13

The board requested to take into account Version 13 of the plans when submitting comments for the 2023 annual report. This was in addition to Version 12 of these management plans that were already reviewed. Given the lateness of the request with respect to the submission timeline for the Annual Report review, CIRNAC attempted to conduct a high-level review to identify the main updates to the Plans. The thoroughness of CIRNAC’s review was entirely dependent upon adequate guidance provided by within the revisions in the Document Control of each management plan. This would facilitate the review and help identify changes made specific to the Modification. However, the guidance in every case was very vague, citing updates to the entire plan to include the 2024 Modification and water quality forecast (Water Management Plan) and updates throughout to align with the mining extension to 2028 (Waste Rock Management Plan).

Given the constraints mentioned above, at this time, CIRNAC has unable to review Version 13 of the Waste Rock and Water Management Plans. As a result, CIRNAC suggests Agnico Eagle resubmit version 13 of these plans with proper document control highlighting the changes compared to version 11 of these plans (submitted on June 2023). At a minimum, any modification to the plans should mention the updated sections and page numbers in the document control section and updates flagged, such as an arrow within the body of the report.

Recommendation 4: CIRNAC recommends that Agnico Eagle:

- a) Review its overall approach in recording revision updates for Management Plans to ensure that document revision updates are meaningful and in keeping with the NWB requirements, i.e., are as precise as possible with respect to the specific nature of the revision and where the revisions were made,
- b) Resubmit Version 13 of the Water Management Plan and Waste Rock Management Plan with proper document control highlighting the changes compared to version 11 of these plans submitted in June 2023.
- c) List the updated sections and page numbers in the document control section for any updates/revisions of a plan. Also, use an arrow within the body of the plan/report and appendices to facilitate the identification of changes in referenced sections of the document.

Agnico Eagle's Response: *Agnico Eagle acknowledges CIRNAC's comment regarding visibility of revision updates to Management Plans and will ensure that future submissions include more precise details on changes to the Plan within the document control section. Updates to document control will include more detailed information on revised sections and page numbers so that changes to the document can be well identified.*

The Whale Tail Water Management Plan, Version 13.1 and Waste Rock Management Plan, Version 13 that were submitted alongside the 2024 Modification in July 2024 and subsequently approved by the NWB in August 2024, indicated clearly in the document control section and in the margins of the body where changes to the document were made.

3 Fisheries and Oceans Canada (DFO)

3.1 Fish Passage at Road Crossings

References: Appendix 7: Meadowbank and Whale Tail 2023 Annual Geotechnical Inspection; Appendix 10 - Meadowbank and Whale Tail 2023 Annual Geotechnical Recommendation Implementation Plan; Appendix 31: Whale Tail 2023 Report on the Implementation of Measures to Avoid and Mitigate Serious Harm.

Comment: Culverts crossing fish bearing waters along the AWAR and WTHR requiring repair maintenance.

The annual report does not identify issues with culverts affecting fish passage. The annual report does not provide a plan for repair/replacement. This was a commitment made by the proponent in response to comments on the 2022 Annual Report.

Appendix 10 - Meadowbank and Whale Tail 2023 Annual Geotechnical Recommendation Implementation Plan; states that along the AWAR “Close monitoring of the culverts will be performed by AEM at freshet...” which has “not started.”

Recommendation 1: Proponent to provide a list of culverts along the WTHR and AWAR which cross fish bearing waters and if these require repair or replacement. Proponent to provide a plan for repair or replacement of damaged and obstructed culverts prioritizing repairs to culverts with potential to affect fish passage and those affecting fish and fish habitat.

Agnico Eagle’s Response: *Agnico Eagle provided to DFO in 2023, a detailed list of all culverts along both roads for that are considered fish bearing.*

Agnico Eagle hired a subject matter expert to perform culvert stream assessment along the WTHR and AWAR. Field work took place at freshet 2024 and the conclusion of the assessment will be available later in 2024. Agnico Eagle will ensure to contact and collaborate with DFO once the conclusions of the assessment are available and will discuss any further actions, as needed.

Obstructed and damaged culverts are listed in the Annual Geotechnical Inspection Report. It may be specified into future Geotechnical Inspection reports if the culvert is fish bearing. As per this report, if insufficient capacity to handle the flow is observed at locations where culverts are obstructed or damaged, Agnico Eagle will implement a plan to clear the obstruction, repair or replace the culvert. No issues with the capacity to handle the flow has been observed where the culverts are damaged or obstructed during freshet 2023.

3.2 Location Data of Shipping Vessels

References: Appendix 32: Meadowbank and Whale Tail 2023 Marine Mammal and Seabird Report, 2023

Comment: Project Certificates 004, 006, and 008 require vessels supplying the Meadowbank Complex and Meliadine mines to avoid sensitive marine mammal and seabird habitats such as haul-outs and breeding colonies.

Ongoing outages for location data of ships continue to have ongoing Automatic Identification System issues lasting 12 hours or more between fixes.

The 2023 Annual Report did not contain the vessel tracking data, so it is uncertain if this issue persists.

Recommendation 2:

- 1- Proponent to provide additional details on any additional effort being implemented to ensure accurate vessel tracks, and compliance with setbacks from sensitive habitats.
- 2- Proponent to provide a summary of satellite outages and missing location data for 2023 shipping.

Agnico Eagle's Response: *As per Agnico Eagle's response to the 2022 Annual Report Comments and as reported in the 2023 Marine Mammal and Seabird Annual Report, Agnico Eagle acquires archived AIS data from Vesseltracker, a commercial AIS supplier that aggregates AIS data from satellite and shore-based stations. These data vary in frequency based on distance from shore, location of shore-based stations, and position of satellites. In some cases, AIS position data is available on an hourly or sub-hourly basis, but in other cases, position data can be 12 hours or more between fixes, due to the scarcity of satellites over remote areas such as the Arctic. As the position data is one fixed point in time using satellite AIS data, it is not possible to summarize "outages", but can provide a summary on the frequency of location fixes. Agnico Eagle has reviewed the location data for the 11 vessels (23 inbound trips) from 2023 to provide a summary of these gaps in location data, provided below:*

- *In total, the 2023 data contained 1,961 location fixes over the 23 trips.*
- *There was an average of 85 location fixes per journey, with a range of 26 to 255.*
- *Excluding location fixes when the vessels were anchored, and only considering the vessel tracks while underway, there was an average of 22 fixes per journey, ranging from 5 to 82.*
- *The total time vessels spent in the study area averaged 21 days (often times anchored for long periods of time), ranging from 8 to 80 days, with the average number of locations fixes per day ranging among vessels from 1.8 to 5.9 (minimum of 1 and maximum of 13).*

The frequency of fixes is beyond the control of Agnico Eagle, as it is often due to a "gap" in satellite availability over the location of the vessel in the Arctic at the time. As reported in the 2023 Marine Mammal and Seabird Annual Report, where AIS data was recorded frequently (every hour), vessel tracks avoided the setback areas. However, in some cases, the AIS data was recorded less frequently (every 6 to 12 hours). For example, during a vessel trip by the Marlin Hestia in September, no positions were recorded over two days between September 16 and September 18; therefore, the vessel track appears as a straight line going directly across Coats Island, while in fact the vessel traveled south of Coats Island, after confirming this information with the vessel captain. In October, the Kivalliq W. appears to cross over Southampton Island, as no positions were recorded over 24 hours, and the vessel made a stop in the community of Coral Harbour. Due to the poor resolution of these data, information (e.g., route, setbacks) regarding these trips cannot be extrapolated with confidence.

In all cases where it appears that vessels may have intersected setbacks, Agnico Eagle investigates the point locations further, as per Section 3.1.1 of the Marine Mammal and Seabird Annual Report. In 2023, it was noted that the same vessel entered the 2 km Marble Island buffer on two occasions (once in August, and once in October). Prior to the 2024 shipping season, vessel captains were reminded of the importance of maintaining a 2 km buffer around Marble Island.

Agnico Eagle continues to investigate alternative commercial AIS suppliers regularly; however, Vesseltracker remains the most reliable in the Arctic at this time. Agnico Eagle continues to train contracted shipping companies regularly and to remind them of the importance of maintaining sensitive habitat buffers. Meetings take place prior to the start of the shipping season and throughout the season each year, during which the mitigation measures and shipping requirements are discussed. A post-mortem meeting is also conducted after the shipping season is completed.

3.3 Marine Mammal Monitoring Program

References: Appendix 32: Meadowbank and Whale Tail 2023 Marine Mammal and Seabird Report, 2023

Comment: Current Marine Mammal Monitoring survey efforts (1 survey per day, lasting 1.5-2 hours) are not sufficient for effective marine mammal monitoring

Recommendation 3: DFO to work with the proponent to update their marine mammal monitoring protocol and include increased monitoring efforts.

Agnico Eagle's Response: *Agnico Eagle thanks DFO for their comment and wishes to reiterate that Agnico Eagle is operating as per its approved Shipping Management Plan and Marine Mammal Monitoring Protocol.*

As per Agnico Eagle's responses to the 2022 Annual Report Comments and as mentioned in the 2023 Annual Report, the protocol is for a dedicated MMSO to complete a minimum of one survey per day, however two or three surveys daily is preferred when timing allows, with each marine mammal survey lasting for a minimum of 1.5 hours to not more than two hours to mitigate observer fatigue and eyestrain. The marine mammal monitoring program is well implemented, with more than one dedicated marine mammal survey per day being frequently conducted during shipping.

In addition, crew members are always scanning for marine mammals. If a marine mammal is observed during the voyage outside of the dedicated marine mammal observation period (i.e., off-effort), this is recorded as an incidental sighting, and any mitigation required to avoid marine mammals during shipping is recorded and reported in the annual report.

Further and as reported in previous Marine Mammal and Seabird Annual Report reports, no interactions (e.g., strikes) between vessels and marine mammals or seabirds were recorded by the shipping companies in 2023 or in previous years, demonstrating the current monitoring program is adequate to prevent interactions with wildlife.

Agnico Eagle is available to discuss with DFO at their convenience.

3.4 Aquatic Invasive Species

References: Shipping Management Plan (Version 4)

Comment: Current monitoring plans do not include a monitoring program for aquatic invasive species.

There is a risk of introducing aquatic invasive species through haul contamination from ships coming from Quebec. The Shipping Management Plan requires the shipping companies contracted to supply the mine through the annual sea-lift operations to comply with the Ballast Water Regulations, which reduces the risk of invasive species being introduced as a result of shipping activities, but does not eliminate this risk so that monitoring for the occurrence of aquatic invasive species is required to confirm this.

Recommendation 4:

- 1- Proponent to consider a non-Indigenous Species/Aquatic Invasive Species Monitoring Program around zones of higher risk.
- 2- Proponent to provide specific monitoring and mitigation measure that are being conducted, including but not limited to any ballast water treatment, monitoring for aquatic invasive species, any haul clean-up and maintenance protocols, etc.

Agnico Eagle's Response: *As per Agnico Eagle's response to DFO's comment on the 2022 Annual Report, Agnico Eagle contracts shipping companies that comply with all applicable regulations, including the Ballast Water Regulations, which reduces the risk of invasive species being introduced as a result of mine related shipping activities.*

Under the Ballast Water Regulations, all vessels are required to have a Ballast Water Management Plan. The Ballast Water Management Plan is written in accordance with the requirements of Regulation B-1 of the International Convention for the Control and Management of Vessels' Ballast Water and Sediments and aims to prevent, minimize, and ultimately eliminate the risk of introducing harmful aquatic organisms and pathogens from vessels' ballast water and associated sediments, while protecting vessel's safety.

Agnico Eagle contracts Transport Canada certified shipping companies that are using standard and acceptable practices common for all vessels in the Canadian Arctic, complying with the requirements and shipping regulations related to the concerns DFO has expressed, including Project Certificate Terms and Conditions, the Shipping Act, the and the Ballast Water Regulations. Agnico Eagle feels this issue is resolved.

3.5 Underwater Noise

References: Shipping Management Plan (Version 4)

Comment: Underwater noise from shipping vessels has the potential to elicit disturbance effects on marine mammals by reducing their ability to travel, communicate, and find food.

During the 2023 shipping season, 23 vessel trips served the project. We currently do not know what noise level and characteristic is produced by those shipping vessels and the potential impact on marine mammals.

The FEIS predicted the residual environmental effect of a change in marine mammal behaviour as a result of Project vessel noise was considered to be low in magnitude, however the likelihood of behavioural disturbance from Project related vessel noise was considered likely. However, there is no monitoring of noise levels to help understand and mitigate these effects.

Recommendation 5: DFO to work with the Proponent to monitor and model their noise footprint using expert support. This model should aim at evaluating the impact of shipping noise on marine mammals present on the shipping route. A Shipping Management Plan should be updated according to the model.

Agnico Eagle's Response: *Agnico Eagle would like to note that discussion was already initiated between Agnico Eagle and DFO on the topic of underwater noise monitoring.*

As previously communicated to DFO, Agnico Eagle is willing to participate in a committee led by DFO and including all relevant stakeholders involved with shipping activities in Nunavut.

4 Kivalliq Inuit Association (KivIA)

4.1 Meadowbank Implementation of Commitments

References: Appendix 1 – Meadowbank Update on Implementation of Commitments # 38, 41, 42, 72 and 101 to 112 all use the company name of “Cumberland.”

Recommendation 1: The KivIA would like an explanation on why the company name has not been changed to Agnico Eagle Mines Limited.

Agnico Eagle’s Response: *The Meadowbank Water License 2AM-MEA1530 refer to the Agnico Eagle Meadowbank Mine. Appendix 1 of the 2023 Meadowbank Complex Annual Report provided an update on the implementation of commitments taken under the Project Certificate. Under the Meadowbank Project Certificate, Section 4.0 Project Specific Terms and Conditions notes that the terms and conditions reference Cumberland as the Proponent:*

‘However, in light of AEM’s acquisition of the Meadowbank Gold Mine Project through it’s purchase of Cumberland Resources Ltd in 2007 and the change in Proponent name on Project Certificate No. 004 on November 20, 2009, the references to Cumberland Resources in the following terms and conditions apply to AEM.’

4.2 Portage Pit B and B Dump

References: Appendix 8 – Meadowbank 2023 Annual Open Pit Geomechanical Inspection; Table 2 – 2023 Annual Open Pit Geomechanical Inspection, Summary of Recommendations.

Comment: The 2023 recommendation stated “The possibility of the settlement of the B Dump progressing back to the Amaruq Road was discussed in 2022 and concluded to be unlikely as the settlement and tension cracks appear to be limited to within the footprint of the pit. SNC Lavalin was retained by AEM to complete a detailed assessment in order to confirm this conclusion.

Recommendation 2: The KivIA would like to request to have the opportunity to review the results of the SNC Lavalin assessment when they become available. In particular, prior to the 2024 Annual report review.

Agnico Eagle’s Response: *Agnico Eagle acknowledges KivIAs’ comment and is currently working with an external consultant (WSP) with a final deliverable expected to be submitted to Agnico Eagle by the end of 2024. As a result of the timing, the main conclusion of the report will be provided as part of the 2024 Annual Report. Agnico Eagle would like to mention there has been an error in the*

reference document mentioned, this should have read WSP instead of SNC-Lavalin as the selected consultant.

4.3 Dust Mitigation on North Tailing Cell

References: Appendix 17 – Meadowbank Waste Rock and Tailings Management Plan Version 14; Section 6.5 Monitoring of Tailings Dust, page 22.

Comment: Section 6.5 states that “Mitigation measures were implemented by AEM in 2021 and 2022 to prevent further dust generation from wind erosion of the surface of the south and north tailing cells, especially the North cell where less water is retained. In 2023, fresh tailings were deposited in the South Cell for an increased mitigation of dust generation.”

Recommendation 3: The KivIA would like to request what mitigation was completed for the North Cell in 2023, given that this cell retains less water and is more susceptible to dust generation.

Agnico Eagle’s Response: *Agnico Eagle managed the North Cell using a combined approach that included water level management, tailings surface capping in strategic areas and building temporary infrastructures to allow fresh tailings deposition.*